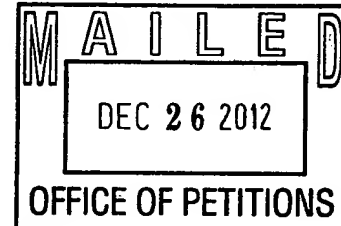




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In re Patent No. 6,106,226 :  
Issue Date: August 22, 2000 :  
Application No. 09/444,443 : DECISION ON PETITION  
Filed: November 22, 1999 :  
Patentee: Jorge A. Morando :

This is a decision on the petition to reinstate an expired patent under 37 CFR 1.378(c), filed December 3, 2012.

The petition under 37 CFR 1.378(c) is **DISMISSED**.

The above-identified patent issued August 22, 2000. Accordingly, the third (12 year) maintenance fee could have been paid during the period from August 22, 2011 through February 22, 2012 without surcharge, or with a late payment surcharge during the period from February 23, 2012 through August 22, 2012. No maintenance fee having been received, the patent expired on August 23, 2012.

Applicable Rule and Analysis:

37 CFR 1.378(c) provides that:

Any petition to accept an unintentionally delayed payment of a maintenance fee must include:

- (1) The required maintenance fee set forth in 37 CFR 1.20(e) through (g);
- (2) The surcharge set forth in 37 CFR 1.20(i)(1); and
- (3) A statement that the delay in payment of the maintenance fee was unintentional.

Furthermore, 37 CFR 1.378(d) states that "any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Here, the instant petition is signed by Emma Thompson. Emma Thompson is not the listed inventor. Nor does Emma Thompson appear to be one of the assignees (no Rule 3.78(b) statement was provided) or an attorney or agent registered to practice before the office. Accordingly, on request for reconsideration, petitioner will need to present a petition signed by the inventor, or an attorney/agent registered to practice before the Office, or an assignee. Otherwise, petitioner will need to show how she is a "party in interest".

Conclusion:

Any request for reconsideration of this decision must be filed within **TWO MONTHS** of the mailing date of this decision. Any such petition for reconsideration must be accompanied by the \$400 petition fee set forth in §1.17(h). After decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner. Accordingly, on request for reconsideration, it is extremely important that petitioner supply any and all relevant information and documentation in order to meet his burden of showing unavoidable delay.

If on request for reconsideration, the delayed payment of the maintenance fee is not accepted, then the 6,450 submitted for the maintenance fee and the surcharge set forth in §1.20(i) are subject to refund following the decision on the petition for reconsideration, or after the expiration of the time for filing such a petition for reconsideration, if none is filed. Petitioner may request a refund of the maintenance fee and surcharge by writing to: Mail Stop 16, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of the last decision rendered should accompany the request for refund. The \$400 fee for requesting reconsideration is not subject to refund.

Telephone inquiries specific to this decision may be directed to the undersigned at (571)272-3207.

/Cliff Congo/

Cliff Congo  
Petitions Attorney  
Office of Petitions